EIGHTY-SECOND LEGISLATIVE DAY FRIDAY, MARCH 31, 2006

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present. Absent and excused --Bell, Cannon. Total -- 2. Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Brock Larsen, Page.

Approval of Journal

March 31, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR Boise

March 30, 2006

The Honorable Bruce Newcomb Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 412, H 466, H 492, H 497, as amended in the Senate, H 513, H 541, H 545, H 562, as amended, H 582, H 594, H 596, H 602, as amended, H 624, as amended in the Senate, H 638, H 640, H 648, as amended in the Senate, H 671, as amended in the Senate, H 680, H 684, H 686, H 687, H 695, as amended in the Senate, H 709, as amended, H 712, H 719, as amended, H 729, and H 738, as amended, H 752, H 762

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

March 30, 2006

Mr. Speaker:

I transmit herewith enrolled S 1300, as amended, as amended

in the House, and S 1363, as amended in the House, for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled S 1300, as amended, as amended in the House, and S 1363, as amended in the House, and, when so signed, ordered them returned to the Senate.

March 30, 2006

Mr. Speaker:

I return herewith enrolled **HCR 50**, as amended, which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 50**, as amended, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 30, 2006

Mr. Speaker:

I transmit herewith S 1484 which has passed the Senate.

WOOD, Secretary

S 1484 was filed for first reading.

March 30, 2006

Mr. Speaker:

I return herewith HCR 45, H 736, as amended, H 737, as amended, H 844, H 739, H 833, and H 778, as amended, which have passed the Senate.

WOOD, Secretary

HCR 45, H 736, as amended, H 737, as amended, H 844, H 739, H 833, and H 778, as amended, were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 30, 2006

Mr. Speaker:

I return her ewith H 800 which has failed the Senate.

WOOD, Secretary

H 800 was filed in the Office of the Chief Clerk.

Report of Standing Committees

March 31, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled H 791, H 836, H 837, H 838, H 839, H 814, as amended, H 760, as amended, H 742, as amended, H 771, H 772, H 773, H 774, and H 775.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled H 791, H 836, H 837, H 838, H 839, H 814, as amended, H 760, as amended, H 742, as amended, H 771, H 772, H 773, H 774, and H 775, and, when so signed, ordered them transmitted to the

Senate for the signature of the President.

H 854 held at the Desk, March 28, 2006, was referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 863 BY EDUCATION COMMITTEE

AN ACT

RELATING TO GOVERNANCE OF SCHOOLS; AMENDING SECTION 33-512. IDAHO CODE, TO DIRECT THE BOARDS OF TRUSTEES OF SCHOOL DISTRICTS TO ADOPT POLICIES AND PROCEDURES FOR NOTIFYING PARENTS OR LEGAL GUARDIANS OF STUDENTS REGARDING SCHOOL CLUBS AND ORGANIZATIONS IN WHICH A STUDENT MAY PARTICIPATE, AND FOR OBTAINING PERMISSION FROM A PARENT OR LEGAL GUARDIAN BEFORE THE STUDENT JOINS OR PARTICIPATES IN A SCHOOL CLUB OR ORGANIZATION; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE "CLUB OR ORGANIZATION," TO DEFINE "COMPETITIVE INTERSCHOLASTIC ACTIVITY OR EVENT" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1004G, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 864 BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF FACILITIES; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2007; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; AND AMENDING SECTION 33-906A, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE BOND LEVY EQUALIZATION FUND BE CONTINUOUSLY APPROPRIATED FOR THE BOND LEVY EQUALIZATION SUPPORT PROGRAM.

HOUSE BILL NO. 865 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE SALARIES OF ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE THAT THE SALARIES OF ELECTIVE OFFICERS SHALL BE INCREASED BY FOUR PERCENT PER ANNUM ON THE FIRST MONDAY IN JANUARY OF 2007, AND THEN AGAIN BY THREE PERCENT PER ANNUM ON EACH OF THE FIRST MONDAYS IN JANUARY OF 2008, 2009 AND 2010.

- **H 863, H 864**, and **H 865** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.
- **S 1484**, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

- **H 859**, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.
- **S 1472**, by State Affairs Committee, was read the second time by title and filed for third reading.
- **H** 713, as amended, as amended in the Senate, by Education Committee, was read the second time by title and filed for third reading.
- **H 561**, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the second time by title and filed for third reading.
- **H 860, H 861**, and **H 862**, by Appropriations Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of S 1472 be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that S 1472 be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Bayer, Bell, Cannon,

Field(23), Skippen. Total -- 6. Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and S 1472 was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

Mr. Loertscher asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1472**. There being no objection, it was so ordered.

The question being, "Shall S 1472 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bell, Cannon, Crow. Total -- 3. Total -- 70.

Whereupon the Speaker declared S 1472 passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H** 713, as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H** 713, as amended, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen,

Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Bayer, Bell, Cannon, Field(23), Skippen. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and H 713, as amended, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon to open debate.

The question being, "Shall H 713, as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Brackett, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Bolz, Hart, Lake, Ringo, Wood. Total -- 6.

Absent and excused -- Bell, Bradford, Cannon, Crow. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 713**, as amended, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H** 561, as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H** 561, as amended in the Senate, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bedke, Bilbao,

Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Total -- 0.

Absent and excused -- Barraclough, Bayer, Bell, Cannon, Field(23), Skippen. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 561**, as amended in the Senate, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 561**, as amended in the Senate, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Raybould. Total -- 1.

Absent and excused -- Bell, Bradford, Cannon, Crow. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 561**, as amended in the Senate, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 860** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 860** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Bayer, Bell, Cannon, Field(23), Skippen. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 860** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall H 860 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bilbao, Black, Block, Boe, Bolz, Brackett, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Kemp, Lake, LeFavour, Miller, Moyle, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 50.

NAYS -- Barrett, Bayer, Bedke, Crow, Jaquet, Loertscher, Martinez, Mathews, McGeachin, McKague, Mitchell, Nonini, Rusche, Rydalch, Sali, Sayler. Total -- 16.

Absent and excused -- Bell, Bradford, Cannon, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared H 860 passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 862** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 862** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Bayer, Bell, Cannon, Field(23), Skippen. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 862** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall H 862 pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 59.

NAYS -- Barrett, Bayer, Loertscher, McGeachin, McKague, Nonini, Rydalch, Sali. Total -- 8.

Absent and excused -- Bell, Cannon, Wood. Total -- 3. Total -- 70.

Whereupon the Speaker declared H 862 passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, April 3, 2006. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 31, 2006

Mr. Speaker:

I return herewith enrolled HJM 22, HCR 62, H 819, H 754, H 756, H 757, H 726, H 765, H 630, as amended, H 817, H 818, H 826, H 827, H 828, H 663, as amended, H 705, as amended, H 735, as amended, H 758, H 731, H 784, H 829, H 830, H 831, H 750, as amended, H 763, H 796, H 764, H 728, H 780, H 781, H 474, as amended, and H 745 which have been signed by the President.

WOOD, Secretary

Enrolled H 819, H 754, H 756, H 757, H 726, H 765, H 630, as amended, H 817, H 818, H 826, H 827, H 828, H 663, as amended, H 705, as amended, H 735, as amended, H 758, H 731, H 784, H 829, H 830, H 831, H 750, as amended, H 763, H 796, H 764, H 728, H 780, H 781, H 474, as amended, and H 745 were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HJM 22** and **HCR 62** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, April 3, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:48 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk